

423 obliged to submit to the same obligations as his predecessor. If he
[425] is a Mututsi, he is not required to pay any ground rent, and the chief
gives him a pasture in addition.

Rights of way and of access are not private. The hill people
may move about freely on each other's land. This is also true of the
cattle for which special paths are made.

622 In the case of a dispute in matters of landed property, litigation
692 is taken to the hill chief who goes to the place and, after having
heard the witnesses, decides between the plaintiffs.

3. Customary Law of Hunting

224 Customary laws of hunting are very numerous. Of these we
will quote only a few of the most frequent cases.

A native hunting alone who has killed an ordinary antelope
(impongo) takes the meat and skins the animal.

224 Hunting with beaters is organized by the chief who decides on
622 the land to be beaten after having taken the advice of the [44] ex-
pert Batutsi or Bahutu hunters and following the indications of the
trackers. The chief also chooses the beaters from among the least
good shots. To stimulate their zeal in this thankless task, he
promises them pots of beer if the hunt is successful.

224 The natives are required to take part in the hunt, but they
fulfill this obligation willingly as it is a much appreciated entertain-
ment and also a source of profit.

Whoever first wounds an animal during a battue or beat, is
presumed to have killed it. He is entitled to the skin and one rear
leg. The meat is divided among all the Batutsi and Bahutu hunters.
The hunter who has killed several antelopes may keep the skin of one
animal.

224 Whoever finds an animal that has been killed must return it to
643 the hunters. At least theoretically, game belongs to the king and
skins of any value (1) must be turned over to him, especially those of

281

1. Skins of marsh antelopes are much ap-
preciated by the Batutsi because of their
long silky fur with which they make bed
coverings. Skins of the "bush buck" and

643 of his great chiefs to cede it to him. The latter yields with good
[425] grace and usually receives some cattle in exchange.

643 The Mwami is an absolute monarch by divine right who
661 knows no other rule but his will, even his caprice. (2) In the past,

● 692 2. Hence the proverb: Luyose higrwa
n'Unwami, "all depends on the King."

before our occupation, he could with impunity torture, mutilate, or kill anyone who had displeased him. His criminal sentences conformed to the customs of the country, which acknowledged this [87] formidable right, and no one thought of rebelling against his decisions (1).

[177]

1. The Mwami's right of life and death was abolished in 1917 at the time of the occupation of the country by our troops.

In the same way he is high judge and makes the final settlement in disputes, even the slightest, among his subjects.

Finally, the king is the supreme legislator of the people. With the help of the abiru, he sees that the common law is kept, but he has the sole power of modifying the country's law if and whatever he wishes.

643 He announces his decisions (amategeko) at the door of his ruko,
[692] where people from all parts have congregated to pay homage or demand justice. The intumwa (messengers) are then charged to make known the Mwami's orders to the people of the different provinces.

643 In addition to his Mututsi name (Musinga, Rudatigwa, etc.),
551 the Mwami receives on his accession a king's name (Yuhi, Mutara, etc.). These names are repeated periodically; thus the present Mwami is Mutara III.

The king is sometimes given a surname such as Rwabugiri Sezisoni (Merciful, Clement) (2).

[192]

2. Foreign word originating in Buhima, east of Ruanda.

672 circumstances are not taken into account, except in the case of a theft of provisions, when the judge must make sure whether the motive for the crime was hunger or fraudulent intention.

681 Children who commit an offense are whipped. Insane criminals are shut up and shackled.

682 Striking back is considered legitimate in the case of an unjust attack. In the past, if the aggressor was killed, the individual who had legitimately defended himself asked for the Mwami's intervention to stop reprisals by the family of the author of the criminal attempt. The king then forbade the exercise of private vengeance.

[115]

9. Prescription

681 Prescription of the punishment as well as that of public action is unknown in Ruanda's common law.

CHAPTER II. PROCEDURE (1)

● 692

1. Today, with the exception of crimes such as the abduction of cattle and private disputes which are in the cognizance of native tribunals, penal cases in which natives are involved are judged by European courts. The Belgian government has maintained, almost entirely, the native judicial organization in civil affairs. (Cf. J. Vanhove, Les Juridictions indigènes au Ruanda [Native Jurisdiction in Ruanda], *Revue Congo*, July, 1939).

1. The Various Degrees of Jurisdiction

Usually the parties first attempt to settle their dispute amicably before appealing to the jurisdiction of the hill chief (2).

2. Uruja kujya ibgami rubanza mu bagabo, that is to say literally, "the palaver that

692

will go to the king begins between the men
(meaning here the arbiters)."

The chief who is judge is always assisted by its abagaragu conversant with the common law of the country, who have the collective name of abachamanza (arbitrating judges). In very delicate matters the case may be postponed to a later date to permit particularly competent abagaragu to handle it. The abachamanza are not necessarily Batutsi; Bahutu may be appointed as assessors and are thus called upon to judge an affair in which a Mututsi is involved.

Cases are brought before the tribunal in two ways:

694

a) When the hill chief (igisonga) or the subchief (umuhingisha) hears that a crime has been committed, [116] he sends a few of his men to arrest the individual who is suspected by public rumor of having committed the offense. The latter, tightly bound, remains shut up in an enclosure open to the winds, located near the chief's house, until the tribunal decides on his fate. During this period of preliminary detention, some of the chief's abagaragu, whether judges or not, question the presumed guilty person and attempt to make him confess his crime (kwindja, lit., to tempt, to solicit).

b) In civil matters the plaintiff (umulezi) goes to the chief before whom he squats down, his stick and his spear against his shoulder, claps his hands, and says to the chief: Nimugahorane Imana! (May God help you!) (implying, to judge my palaver). The defendant (ulegwa) is asked to appear. If after three successive summonses he persists in not appearing, the chief has him called once more. If he still defaults, his adversary has won his case.

695

The tribunal sits on the threshold of the chief's dwelling, where the ibitabo (1) are, or else under the porch in front of the

1. Small, very low festoon-shaped
mud walls.

insika (2).

2. A kind of wickerwork screens
decorating the base of the pillars
supporting the hut's roof.

695 opened up its body, and after examining its entrails would give the
787 suitable interpretation.

696 [119] There is no special procedure in the execution of sentences. If the judgment concerns stolen cows, the plaintiff or the abagaragu go and take them from the thief. In other cases the condemned one does it himself, and if, as unlikely, he refuses to do so, the chief would compel him by force.

692 In principle, justice is gratuitous and legal expenses do not exist, but the judges are not indifferent to douceur, which gives an advantage to the powerful and wealthy ones. On the other hand, as a rule, an umugaragu with a palaver brings beer or tobacco to his shebuja so that he will bring his case before the tribunal.

Appeals are dealt with by the provincial chief whose tribunal is organized on the same basis as that of the hill chief. This appeal is called gunuzugura (lit., to despise the chief's justice) or gunubira urubanza (to begin the palaver over again).

In the past a Muhutu did not appeal to the provincial chief but to the umugabe w'ingabo (1).

1. Cf. Government and Administration, Right of War, p. 92.

On the other hand, the provincial chief's tribunal has first cognizance of cases concerning cattle and territorial litigation between hill chiefs. It is also obliged to act in cases of expulsion or dispossession of a Mututsi or a Muhutu by a hill chief.

The Mwami's tribunal is the supreme jurisdiction. The king presides, surrounded by his confidential men who are versed in the customs (abahanga) or by persons of high rank who have the responsibility of being judges.

Normally, the Mwami alone is competent to deal in the first instance, and with no appeal, with criminal affairs, [120] but he may delegate his power to an umutware. If, for example, a provincial chief has denounced a sorcerer to the king, the latter may command the chief to kill the umulozi.

Crimes of high treason and violation of state secrets are also exclusively of his competence.

695 In the past, in criminal cases judged by the Mwami, recourse was had to the gihango-test in order to force the accused to

695 confess (1). Sentences were carried out by the Batwa executioners.

1. Cf. Government and Administration,
Death of the King, p. 82, note 3.

692 Any Munyarwanda, even the most humble, may appeal
695 directly to the Mwami if he has been despoiled by a chief. But this resort to royal justice is illusory for the poorer claimants, who are often obliged to remain for an indefinite time at Nyanza before their case is called. In addition, while the judges of the Mwami's tribunal are required to refuse presents offered by the litigants and to judge equitably regardless of their caste, they sometimes are willing to accept an "honorarium" from one or the other of the parties.

692 Finally, the Mwami's tribunal intervenes, with no appeal possible, in litigations arising between individuals belonging to different jurisdictions.

2. Litigation between Natives of Different Jurisdictions

When litigation arises between natives belonging to different hills, the defendant's igisonga deals with the case. The plaintiff appears assisted by his shebuja or one of the latter's umugaragu, who acts as a kind of lawyer and is called umuhagarikira. If the plaintiff's claim is rejected, he appeals to his chief. The two chiefs then get together in a neutral place with their abagaragu and the [121] litigants. If an amicable arrangement is impossible, the parties have recourse to the jurisdiction of the provincial chief.

If the litigants belong to different provinces, the plaintiff whose claim has been rejected by his adversary's hill chief goes accompanied by his shebuja or a umuhagarikira to the provincial chief who tries to come to an agreement with his colleague. If he does not succeed in doing this, the parties and their patrons go to the Mwami. The king appoints some persons of high rank from among the provincial chiefs on official visits, his courtiers, and his abagaragu to examine the case. This time it is the hill chiefs who plead for their own people. If the decision rendered does not please

692 one of the parties, he appeals to his provincial chief who points the matter out to the king. The Mwami then calls certain of his abahanga (1) with whom he sits and listens to the respective provincial

1. Cf. p. 104.

chiefs of the parties who are acting for them. The king then pronounces the sentence, justifying his judgment.

692
628 It should be noted that the normal procedure we have described could not always be employed in the past. When two hill chiefs, for example, were hostile to each other, and if the victim of a robbery came to claim justice, it could be that the thief's chief might take the thief's part. The robbed man would notify his chief, and then it was war between the hills. If the robbed man's chief ~~was weak~~ and could not obtain justice for his man, he appealed to the provincial chief who would summon both chiefs, the thief, and the robbed one. Only the two chiefs plead, first the robbed man's chief then the thief's chief. If the latter proved that the victim of the theft had wished to take the law into his own hands without first appealing to him, and that he then had to defend himself against an attack which he believed unjust, the provincial chief then inflicted a fine (ichyiru) in cows on the robbed man's chief. If the domestic war had resulted in deaths or wounds, the palaver was obligatorily transferred to the Mwami. After paying his fine, the robbed man's chief could apprehend the thief and punish him, as we have stated above.

423 person who will pay more tribute or who pleases him for other reasons (No. 19, p. 469). As a rule, however, families live on a piece of land for generations and till the soil for their own benefit and in part for that of their feudal lord. Before the Batussi era, this land was probably for the most part the property of the Bahutu clans (see p. 104). The homesteads inhabited by the Batussi are usually set somewhat apart from those of the Bahutu, outside the confines of fields in the grazing land.

42 The inhabitants own their huts and, in addition, everything they keep inside the huts or carry on their person. Thus, men, women, and children may own property, and the following may be items of property: huts, planted trees, produce still standing in the field or harvested, cattle that have been raised, furniture, tools, clothing, weapons, ornaments, trade objects, etc.

685 Property violations, i.e., damage and theft (uwivi), are
674 frequent, but if someone leaves his hut unguarded, a woven screen in front of the door opening is usually sufficient to keep away uninvited guests. Although the kraals are surrounded by [417] strong fences and the paths between the fields are often lined with high euphorbia hedges (Plate 20), these have not been put up or grown as a protection against thieves but to pen and restrain the cattle. If a person steals something from [94] a homestead or produce from the fields, he is taken before the mutwale and is sentenced to severe corporal punishment unless he can pay a generous amount in damages of which the mutwale will appropriate one half (No. 4, p. 224).

692 The mutwale or in smaller districts the village chief is
627 the judge who pronounces justice in all cases. Usually the Batwa take care of their legal disputes among themselves without appealing to their Murundi mutwale, but the Batussi and the Bahutu take every matter that cannot be settled by the family council before their mutwale. Usually the plaintiff brings several witnesses with him whenever possible, but at the same time he brings a present for the judge which is not without influence upon the verdict of the latter (No. 19, p. 472). In most cases the convicted person receives his corporal punishment from the family members of the plaintiff or from the bodyguard of the chief if he has one. Concerning the types of punishment, see p. 97 .

686 "Why don't you make the sky weep if you wish to find a remedy for your suffering!" people would shout at them as a joke (1).

1. Izuba libaririre!

"If it does not rain at such-and-such a time, if you do not make our fields green again, you will die". . . . And execution followed close upon the threat.

635 Like the king, the great Batutsi chiefs sat in judgment and
692 passed sentence in their provinces when they resided there or when-
ever they were passing through. They were not all alike. Among
them there were just and humane men, and one likes to believe that
they were in the majority. Some nevertheless left a bad reputation
681 on account of their cruelty. It is said that two of them took pleasure
in having the arms of their victims bound behind their backs with
wire drawn so tightly that the elbows met and the wire sank into the
flesh. . . . Many persons died of this unique and atrocious torment.
Another dignitary had those upon whom he wanted to wreak his re-
venge immobilized and made to lie on their backs.

Then he would make his victim drink a pitcher of beer or
water through a gourd shaped like a funnel. A third man, leaning
heavily on his spear, would pierce his victim's foot and thus nail
him to the ground. A high dignitary punished those who had displeased
him by seizing two of their fingers and pulling them apart with all
his might, thus tearing the tissues that connected them. Fortunately,
however, those were exceptions which should be ascribed to paganism,
the primitiveness of customs, the cruelty of the times, the criminal
procedures then in effect, the passions aroused by clan struggles, the
competition for power, the revolutions, and sometimes also the proud
and savage conceit of chiefs who were too young to govern. /380/

643 In order to gain an accurate understanding of the more that
661 prevailed at the time, the reader must be reminded that the life of a
man counted for very little in the eyes of the king and of the great
chiefs. Subjects of Lwbugiri who are still alive today (he died in
1895) report that in order to show his skill or to judge the strength
of his bow, the sovereign would shoot at the first person who appeared

644 of a good-luck general. During the Ishangi expedition it was another
 701 son of Lwabugiri, Nshozamihigo, who filled this role. These generals
 [302] wear amulets around the neck and paint the face with white chalk or
 lustral water (amazi y'ingwa).

They are also the holders of charms and other talismans
 (inzaratsi, insinzi), which are supposed to help bring about the defeat
 of the enemy. They remain at camp while the troops fight. They
 are graced with almost royal honors. The drums sound reveille for
 them (akabikirwa) as they do for the king. They have full power to
 [692] make laws and settle differences, and their sentences cannot be
 appealed (ikyo bavuze ntikisubir' inyuma) (1).

1. Umugaba is a noun derived
 from the verb kugaba, meaning
 "to distribute" or "to give free
 of charge." In principle this
 term applies only to the king.
 Its synonym Rugaba, which stems
 from the same verb, is reserved
 for God (Imana).

When the king chooses someone
 other than the general-in-chief
 called umugabe to take his place
 at the head of his troops, he grants
 this man extensive powers and
 honors appropriate to his rank
 as a result of this title.

Other Duties Similar in Nature to the Preceding.

Spell Casters and Bewitchers.

Purifiers and Exorcisers of All Sorts. Makers of Test Poison.

791 The duties of these men are practically everyday affairs and
 644 thus rather well known, and their works are as famous as those of their
 colleagues the sacrificer-diviners, the conjurer-magicians, etc.

681 Punishment by whipping seems to be done less in Ruanda than in Bgisha where the chief ties people to trees and has them punished with up to 100 strokes of the whip on their backs. This [77] custom is said to have been borrowed from the English Askari who were stationed there.

423 On the subject of property rights we wish to make only a few general remarks. The entire country is the private property 428 of the king and is regarded as either entrusted to the chiefs or granted to the clans. All the farmers and herdsmen are merely tenants or have the use of the land. As a consequence, the chief and clan community have the final word in matters dealing with the inheritance of usufruct of so-called crown property, that is, fields and cattle.

422 Only household goods, with the exception of cows, are private property in our sense, and here the wish of the person disposing of 428 the property is decisive, although certain time-honored customs cannot be circumvented. In Bugoye, for example, the oldest son gets the spear and the stool of his father, whereas the shield belongs to the youngest son. (2) Lieutenant Spiltoire told me that in

2. Classe, Father, Moeurs et Coutumes
des Bagoye [Manners and Customs of the
Bugoye] (Les Missions Catholiques, 1905),
p. 439.

Bunyabungu, the principal heir seems to be the son of the sister, but because of his brief visit, he could not verify this.

692 Administration of Justice. In Ruanda the administration of 695 justice is in the hands of the chiefs and the king.

Pronouncing judgment is only of secondary importance, but [280] the chiefs regard it as a sure means of gaining influence. The two parties regard the trial as an attempt to interest a powerful one -- a chief -- in their affairs, that is to say, to make their affairs the affairs of the mighty. The one who wins a case is simply the one who was more highly regarded by the chief and with whom, from now on, it is dangerous to quarrel. In Ruanda it is a long process from the pronouncement of justice to the execution of it.

692 The verdict means that the judge, not the state, has taken a cer-
tain stand. The state, even in principle, does not represent ab-
695 stract justice. In order to carry out the verdict, one must have
sufficient power, either in his own right or through his allies;
otherwise it would be impossible to take any action that would be
unpleasant for others.

692 In the communities the administration of justice is in the
hands of the subchiefs. A person who is dissatisfied with their
verdict may consult his high chief. I have heard that the common
man may appeal to the king, but from other reports this seems
to me quite improbable. This right can have no practical sig-
nificance for the common man, if indeed it exists. He could not
incur the displeasure of the nearest small potentates with whom
he has primarily to deal. Going directly to the king means not
only a demonstration of distrust toward one's nearest superior,
but it also represents an attempt to free oneself from the hierarchy
of subordination and make oneself directly subordinate to the king.

692 For the clients (bagaragu) of the king, the royal court is the
first and also the final authority. There is no other recourse, ex-
481 cept to the force of arms, provided one dares to revolt. Hence
higher authority always takes action, but it also takes into ac-
count general peace and order and is not guided by abstract
principles of justice. Moreover, gifts to the judge play an im-
portant part and are not regarded as something punishable or even
inappropriate. The parties regard these gifts as court fees, even
though larger gifts are usually combined with greater hopes for
the favorable outcome of the trial. The size of the gifts does
not seem to be fixed. In important cases large presents are given.
Not infrequently the judge is even presented with a cow.

692 Although trials before the king do not often occur, neverthe-
less all over Ruanda one hears that someone has gone to Musinga
regarding judicial matters. This expression stems from the fact
that people go to their high chiefs who are staying at the court of
Musinga in Nyanza. The trials take place in Nyanza at the
compound (bilaro) of the chief concerned. For example, I met
a band of people from Njaruguru who were on their way "to
Musinga." On more careful investigation [281] it turned out that

●692 "to Musinga" simply meant the place of his residence. The judge to whom these people were going was Rwamanwa, high chief of Njaruguru.

If the two parties have different chiefs, the trial is conducted at the compound of the more powerful one, since otherwise, because of injured vanity, he could make it impossible to carry out the verdict. If the two chiefs cannot reach an agreement, they go to a third party or to the king, who usually appoints a judge.

[693] The king personally handles only the most important affairs of his bagaragu, but even that he does unwillingly.

695 The Trial. Certain forms are observed at trials. The two parties squat on the ground in front of the judge and greet him by clapping their hands. Otherwise only the king is greeted in this way. Then each in turn tells about the matter under dispute.

After the verdict of the judge, the winner immediately rises, takes some grass, and lays it at the feet of the judge in gratitude and as a token of his subservience. He then sings a song of praise in which (in Mulera, for example) he boasts about the number of enemies he has killed.

People sometimes wait in Nyanza two or three months for a trial, and finally the hearing is postponed until the next year. The chiefs do this also. They are afraid of endangering themselves by a sentence of incalculable scope.

696 Executing a sentence is the weak side of primitive justice. There is no organ of the government that would attend to the execution of the decree. Even the decisions of the king are by no means always carried out.

Sometimes, to ensure the execution of the sentence, the guilty party is held prisoner by the winning party until he has fulfilled his obligations.

The sentence is said to be carried out at the place of residence of the two parties. For this purpose the king sends a special messenger. He must inform the population of the decision, in disputes about land he must mark out the sections, and in cases involving cattle, divide up the herds.

Because of the long duration of these cases, which gives all the court schemers an opportunity to fish in troubled waters, the winning party sometimes leaves the capital before the king's

CH. XXVIII

CLANS AND CHIEFS

185

- 614 3. Abakono.
 4. Abagisere, totem, *enyamansi*, wagtail.
 Sub-divisions:
 (a) Abasinga, totems, *enyamansi*, and *lubombo*, a cow.
 (b) Abazigaba, " "
 (c) Abatyaba, " "
 5. Abazigaba.
 6. Abasinga.
 7. Abawungara.

[582] The members of this clan intermarry and also marry people from outside tribes and from the clans Abakongole, Abaswere and Abasinga, but not from other clans, for these four clans were despised people and men of other clans would not marry girls from them.

8. Abatyaba, totem, *enyamansi*. Abanyiginya and Abega clans refuse to marry girls from this clan.
 9. Abasindi, totems, *mpehhi* and *efuti*.
 10. Abakongole.
 11. Abasambo, totems, *epu* and a house burned down and lightning. These came from Ankole.
 12. Abaswere.

GOVERNMENT

- 643 The head of the country was the king, whose title was
 ● 692 *Omwami* or *Mugabe*, and all important cases had to be brought to his court (*Kambara*) for trial. The king, however, did not
 634 appoint the great chiefs or *Abatwala*, for their offices were
 [428] hereditary and they had been appointed by former kings, who divided the land into some forty districts and put a district chief over each. When, however, a district chief died leaving a son who was too young to manage the estate, the king appointed a guardian, often a brother of the dead chief, who administered the estate until the real chief was old enough. The new chief might then give his guardian a chieftainship under him and retain him as an advisor. If the guardian did not receive or accept such an office, he went to the king, who found him some post.
 634 Each district chief was the magistrate in his own district;
 693 but appeal might be made from his jurisdiction to the court
 [203] of the king, to which the chiefs were summoned by crier, for

762 When a man committed suicide, he was buried as usual;
 766 but a medicine-man was summoned to tell by augury whether
 787 the house had to be deserted or was still fit to live in.

RELIGION

793 I received a statement respecting the religion of the Batuse
 [115] from Captain Phillips, the District Commissioner. They were,
 [776] he said, monotheistic and had a chief priest who was initiated
 [178] into his office by a journey up a certain mountain where there
 [782] was said to be a flock of sheep sacred to the god. This was a
 dangerous exploit, but before a man was accepted as priest
 he had to go there with a sheep, which he offered to the god.

This chief priest kept all the fetishes and carried out all
 religious observances for the king, who kept neither fetishes
 nor priests about him. When there was any illness or other
 trouble, the king sent a bull, a sheep, or a fowl (in the case of
 [787] war, a bull, a ram, or a cock) to the priest, and an augury
 was taken from the flow of blood and from the markings on
 the lungs and intestines.

CHAPTER XXIX

THE KING

The kings of Ruanda—government and taxation by the king—food
 of the king—wives of the king—heir to the king—death of the king—
 mourning—burial—accession—the king's mother and her brother

643 THE list of the kings of Ruanda was given as follows: Kigwa,
 173 who came from heaven—his son, Kimahuke, who begat
 Randa — Merano — Kobo — Gihanga — Kalyaruanda —
 Ruganza — Kirimu — Kigeri — Mutabazi — Gahima —
 Ndahiru — Ndole — Muhenzi — Namuhesera — Sekalongoro
 — Huhi — Kirima — Ndabalasa — Mubamwhe — Gahiridirwa
 — Lwogera — Lwabugiri — Lutariridwa, who was killed by
 his brother Musinga, who still reigns.

692 The king's court was the court of appeal for all his subjects
 645 and his council was composed of the high chiefs.

38

THE PREMISE OF INEQUALITY IN RUANDA

613 incestuous relationships. The most serious in the inzu would be
835 between Ego and Da or Ego and FaSi. These were said never to occur. Incest was viewed with horror as a beastly thing, a view reflected in one of the words used to describe it, *ubuhene*. The root of this word is *ihene* (goat) because, as an informant put it, only he-goats pair with their mothers and sisters. A breach of this rule was the concern of everybody in the group as it was likely to bring about calamities affecting them all.

613 Another duty of a member of a primary lineage *vis-à-vis* any
416 of his kinsmen was that of rendering assistance when he was in difficulties (as for instance when a father was unable to help his son to pay bride-wealth or when the cows of a herdsman had been killed by an illness). This obligation was particularly binding when the misfortune was no fault of the victim, but even if it was, aid was often given. As has been mentioned, the lineage-head or the council usually determined the amount to be contributed by everybody. But mutual help was also an individual duty.

• [692] A kinsman could enlist the help of the wise and experienced men of his inzu when he had to go to the tribunal. He was accompanied by them, and was helped not only by their advice but also and sometimes mainly by the mere fact of their moral support. The chief who was judging could see the power of the group behind the plaintiff or the defendant.

Inzu solidarity operated both actively and passively in blood-feuds. All adult kinsmen of the victim were obliged to take up arms and carry out vengeance. Kinsmen of the murderer had to defend themselves and all adult males of his inzu had to accept the risk of being killed because of their kinsman's crime.

613 When a member of the inzu died, all others met in the deceased's
764 hut and watched by the corpse for eight days. After this the corpse was not buried but thrown away in some isolated place, such as the top of a rocky hill, which could be used by the people of any inzu living nearby. Mourning lasted two months for a man and one month for a woman. During that period there was a prohibition on intercourse for people very closely connected with the deceased (his son, his wife, his son's wife, his father). At the end of the mourning period all the inzu gathered together again.

[833] There was a beer-feast and obligatory intercourse for all the inzu members with their own spouses. When there was no spouse, as

POLITICAL ORGANIZATION

103

probably a little less than a third. For tribute labour, the hill-chief handed over to the residence the number of labourers requested but could have the others to work for himself.

According to respectively 92 and 91 per cent. of the Tutsi interviewed, neither the hill-chief nor the cattle-chief could deduct similar proportions from cattle dues. I have been told, however, that the cattle-chief required from the hill-chief more jars than the royal residence asked. It is very likely that the hill-chief imposed a similar obligation on those who had to bring the milk.

The land-chief acted as judge in disputes about rights over land between Hutu of his district.

Some places were not integrated into the district organization and were free from the cattle- and land-chief interferences. They were the domains belonging to *biru* and the royal funeral grounds. Biru, as we shall see later, were very important people keeping the secret traditions according to which the order of succession of the kings was determined, the ritual to be used in wars, the measures to be taken in times of famine, &c. In their privileged domains *biru* enjoyed powers similar to those of the king over Ruanda. 76 per cent. of our informants mention the name of a hill ruled by one *mwiru* (singular of *biru*) and 79 per cent. affirm that these domains were completely independent of the administrative chiefs.

The other privileged hills were those on which the royal corpses were laid. As the dead body of the king was believed to undergo different metamorphoses, it was not immediately buried, but mummified and left for a certain time in a wood, on the top of a hill. The corpse was watched by some chiefs and servants and finally buried. Even now 88 per cent. of our informants can mention the name of such a hill where a royal cemetery is to be found. One of the more renowned places is Rutare, not far from Kigali, which is mentioned by 71 per cent. 84 per cent. said that these hills were exempted from any tribute to the district residence.

3. ANALYSIS OF THE ADMINISTRATIVE STRUCTURE

Analysis of the different structures described here will be made from the point of view of the social function of these institutions. Social function is understood here as the contribution made by an institution, an association or a cultural trait to the working and the maintenance of a particular social structure. The contribution may

122 THE PREMISE OF INEQUALITY IN RUANDA

701 be favoured. This was a kind of redistribution of wealth among the
 651 lineages of the army made according to the preferences of the
 422 army-chief. Thirdly, the warriors as such did not receive cows
 from the army-chief (but they could be at the same time warriors
 and herdsmen). Their only privilege as warriors was to loot
 privately after the *abakoni* had laid hold on the 'bow of the army'.
 Moreover, if they had shown any particular gallantry, the mwami
 or the army-chief rewarded them with a gift of a few cows.

(e) Protection

701 When compared with the considerable benefits in cattle that the
 651 king and the army-chief derived from the military structure, the
 571 advantages of ordinary army members, particularly the warriors,
 seem to have been very meagre. The army tribute in goods and
 services were compensated for in a different way by the protection
 extended to his subordinates by the army-chief.

This protection could be asked for and received in all the
 difficult circumstances of life without being limited to any par-
 ticular kind of circumstances. An instance frequently mentioned
 by our informants was the army-chief's support to one of his
 subordinates who was a party in a lawsuit. If the protection of a
 man of high standing appeared useful or necessary in such a
 situation one must suppose that judicial decisions were not taken
 only on the case's own merits, but that the respective power of the
 two protectors was weighed by the judge.

The army-chief's protection was diffuse and general, not
 limited to a few cases clearly defined. We have already come across
 such a characteristic of the superior's protection in respect of the
 chiefs of the administrative hierarchy. This suggests that power
 relations were emphasized in Ruanda and that the rights and
 properties of isolated men, that is to say those not identified in
 any respect with a powerful one, were insecure.

[69] The judicial role of the army-chief must be related to his
 function of protection. In the disputes between two members of
 his army, he exercised a kind of paternal jurisdiction, as did any
 Ruanda authority. In contentions between members of different
 armies, the fact that the question was settled by the army-chiefs
 concerned suggests more a compromise in which each chief acted
 as a representative of one of the litigants, than a judgement based
 on pre-established norms.

THE CLIENTAGE STRUCTURE

131

The measure of the different obligatory gifts and services (number of days, &c.), was not fixed. It depended on the *shebuja's* temper, his requirements, the number of cows granted to the *garagu*, and on the client's expectations. Moreover, each client was usually not requested to fulfil all the obligations we have just mentioned. The patron, particularly if he had many *garagu*, frequently gave to each of them a precise task in which the client was particularly competent (to brew beer, to cook, to mind the cattle, &c.). Even now, in spite of the limitations added by the native courts to the clients' obligations (for instance the building and repairing of the enclosure cannot be claimed by the lord more than once a year; not more than a month a year may be required by the patron for all the household services, &c.), we are still far from having a list of precisely defined duties and claims standard for the whole of Ruanda. [697]

(c) End of the *buhake* relation

The *buhake* relationship was perpetuated even after the death of both parties. The *shebuja's* heirs inherited their father's relations of *buhake*, *vis-à-vis* his clients and the client's heirs kept the cows (and/or their progeny) granted to their father. But the *shebuja* had the right to refuse to recognize as a successor of his client a person without the proper qualities to be a good *garagu*. The lord could then designate another heir of his client, or end the relationship and take back the cows. The person receiving an important number of clients by inheritance (several dozen, for instance) could require them to present him with all the cows which were then numbered, as in the case of the army-chief's *murundo*; he could then choose a certain number of them; usually the best ones, which he took away from his clients either to keep the usufruct himself or to endow other people with them.

The *buhake* relation could be ended when both client and patron or only one of them wanted this. But the person who initiated the breaking off usually gave some reason for it, such as the non-fulfilment of a particular obligation by the other party. At all events the *shebuja* could not oblige his client to stay in his service and the client could not prevent his patron from dismissing him.

What happened to the cows in such a case? As mentioned earlier, all the cows a client effectively controlled were not necessarily received from a patron, that is to say they were not all *inkasibiri* [422]